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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,963	11/05/1999	Angela Masson	99270	4776

7590

10/04/2006

Angela Masson
P O Box 190540
Miami Beach, FL 33119

EXAMINER

TO, TUAN C

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/699,963	MASSON, ANGELA	
	Examiner	Art Unit	
	Tuan C. To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-67 is/are pending in the application.
- 4a) Of the above claim(s) 20-47 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-59 and 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's election of claims 48-59, and 61-67 in the reply filed on 07/25/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 60 refers to claim 20. Therefore, claim 60 belongs to an apparatus of Group I. Claim 60 should be withdrawn as well as claims 20-47.

Claim Objections

Claim 67 is objected to because of the following informalities: Claim 67 refers to claim 68, which is not existed in the current application. Appropriate correction is required.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the applicant fails to provide reference characters. In addition, the proposed drawings have been found to include the hand-sketched that make confusion and unclear between characters existed in the drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 48, it is unclear whether the step of "re-formatting and re-inputting said manipulated data automatically in another application programs" is a correct step after a step of "formatting and inputting said manipulated data automatically in another application programs".

Claims 54-56, and 61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 54-56, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The phrase "for instance" is similar to "for example" phrase, therefore, it would renders the claim indefinite as same as the phrase "for example".

Regarding claim 55, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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Claim 55 recites the limitation "the electronic computational device" in step (a).

There is insufficient antecedent basis for this limitation in the claim.

Claim 61 recites the limitation "the uploaded message" in step (f). There is insufficient antecedent basis for this limitation in the claim.

Claims 49, 55, and 67 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

As to claim 49, the applicant recites "correlating disparate data and functions according to a texotrix methodology" and further explains the use of TEXOTRIX in a narrative form. The applicant is required to revise the claim in order to avoid the narrative in form.

As to claim 55, the applicant includes the phrase "author's notes ref: claim 55:" and a paragraph that represents the author's notes. It is important to note that such text is written in narrative form, and therefore it would not be a proper claimed text. The applicant should revise the claim in order to define more clearly the invention and to avoid such errors.

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As to claim 67, the claim is narrative in form. The applicant described the Electronic Flight Bag in narrative form instead of reciting the steps for performing the claimed process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 48-59, and 61-67 are rejected under 35 U.S.C. 102 (e) as being anticipated by Simpson et al. (US 5999882A).

Regarding claims 48, 49, and 54, Simpson et al. teaches a system/method for organizing flight data including a client device (14) and a server system (12). The client device is defined as personal computer, a file server, a work station, or other computer which is capable of communicating with other computers. The client device, as describe in Simpson, using the input/output system for inputting data using the input device such as mouse, or track-pad, etc to the system (Simpson et al., column 9, lines 16-24) and outputting data to a user via the interface (134). The client computer (14) includes computer software that may be loaded and/or downloaded into the memory (104) and executed by the processor (102) (Simpson et al., figure 2, and associated text

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in column 8, lines 8-45). As disclosed by Simpson et al., the user can use the input device such as mouse or track-pad for adding data, reformatting and re-inputting data using different application. For example, the travel points table (112) may be used in assisting a client in entering a travel route (input data); the route planner (132) stores travel route entered by the client into the route plan file (140). The client uses the dialog box of the client device (14) to enter departure and/or arrival times at a travel point and other data to the client device (14). The client continue the process of inputting, reformatting, re-inputting until the travel route and other valuable information is presented and viewed (Simpson et al., column 9, lines 25-35).

As to claims 50-52, Simpson et al. further discloses the method of accessing, organizing, managing, and manipulating flight data, comprising: loading flight programs into a portable device; inputting associated flight data to said device; inter-relating said programs and data by means of an application program interface; associating the data by means of a search engine program; and, outputting the organized results to a user (Simpson et al., figure 2; column 8, lines 8-45).

As to claims 53, 55-59, and 61-67, Simpson et al. further discloses collecting different flight data such as travel points, departure point, destination point, and waypoints (Simpson et al, figure 2) via the input device as set forth in column 9, lines 25-35); running the disparate data through the application program interface (134); accessing the data by means of a search function; displaying the data by means of a HTML browser (Simpson et al., figure 2; column 10, lines 6-26).

Conclusions

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

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I hereby certify that this correspondence is being facsimile transmitted
to the United States Patent and Trademark Office, Fax No. (703)____-
____ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted.

For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable

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evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985.

The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

September 23, 2006